

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
ABILENE DIVISION

ROBBIE W. MCDANIEL,
Institutional ID No. 1649236,
SID No. 6684019,

Plaintiff,

v.

TEXAS DEPARTMENT OF
CRIMINAL JUSTICE, *et al.*,

Defendants.

CIVIL ACTION NO.
1:14-CV-00018-C

ORDER

Plaintiff Robbie W. McDaniel, acting *pro se*, filed a civil rights complaint pursuant to 42 U.S.C. § 1983 on February 7, 2014, and was subsequently granted permission to proceed *in forma pauperis*. Plaintiff was specifically admonished on page 2 of the § 1983 complaint form that it was his responsibility to inform the Court of any change of address and the failure to file a notice of a change of address could result in the dismissal of his civil complaint for want of prosecution pursuant to Federal Rule of Civil Procedure 41(b). Plaintiff was again admonished that it was his responsibility to inform the Court of any change of address and that the failure to provide a change of address notice could result in the dismissal of his complaint in this Court's PLRA Filing Fee Order dated February 26, 2014. Plaintiff was admonished a third time of his responsibility to keep the Court informed of his current address in the United States District Court for the Northern District of Texas Notice and Instructions to Pro Se Plaintiff mailed to Plaintiff on March 3, 2014.

On March 24, 2014, Plaintiff's copy of an Order dated March 19, 2014, which denied Plaintiff's request to preserve evidence was returned to the Clerk in an envelope marked "Returned to Sender. Released."

On April 3, 2014, Plaintiff's copy of this Court's Order assigning his complaint to the United States Magistrate Judge for screening was returned to the Clerk in an envelope marked "Returned to Sender. Released."

On August 4, 2014, the United States Magistrate Judge entered an order requiring Plaintiff to file a written notice of his change of address and show cause why his complaint should not be dismissed within fourteen (14) days from the date of the Order. Plaintiff was specifically admonished that his failure to respond to the August 4 Order would result in the dismissal of his complaint. Plaintiff's copy of the August 4 show-cause Order was returned to the Clerk on August 7, 2014, in an envelope marked "Returned to Sender. Released."

On October 22, 2014, the United States Magistrate Judge filed a Report and Recommendation which recommended that Civil Action No. 1:14-CV-00018-C be dismissed without prejudice for want of prosecution. Plaintiff's copy of the Report and Recommendation was returned to the Clerk on October 27, 2014, in an envelope marked "Returned to Sender. Released." The undersigned District Judge has made an independent examination of the record in this case and finds that as of this date, Plaintiff has failed to respond to the Magistrate Judge's Report and Recommendation or provide the Court with his current address. Accordingly, the Magistrate Judge's findings and conclusions should be ADOPTED.

It is, therefore, **ORDERED**:

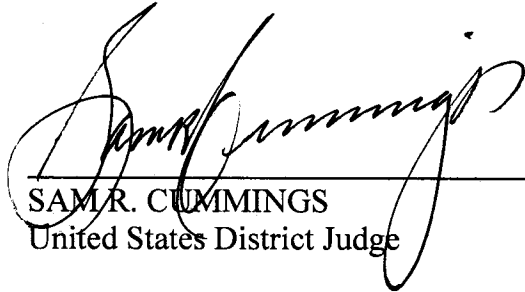
(1) Civil Action No. 1:14-CV-00018-C and all claims alleged therein are DISMISSED without prejudice for want of prosecution.

(2) Any pending motions are DENIED.

(3) Plaintiff is advised that if he appeals this Order, he will be required to pay the appeal fee of \$505.00 or he must submit an application to proceed *in forma pauperis* and a 6-month Certificate of Inmate Trust Account at the same time he files his notice of appeal.

Judgment shall be entered accordingly.

Dated December 4, 2014.



SAM R. CUMMINGS
United States District Judge